

The Senate Judiciary Committee offered the following substitute to HB 220:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide a uniform time for issuing orders on motions for new trials, injunctions, demurrers, and all other motions of any nature; to provide for sanctions for failure to comply; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding a new Code section to Chapter 1, relating to general provisions, to read as follows:

"15-1-16.

(a) It shall be the duty of the judge of any court, other than the Court of Appeals or the Supreme Court of Georgia, unless providentially hindered or unless a written extension of time is agreed to by the parties, to decide promptly all motions for new trials, injunctions, demurrers, and all other motions of any nature within 90 days after the same have been argued before the judge or submitted to the judge without argument.

(b) Except when ruling from the bench, when the judge has issued his or her decision, it shall be the duty of the judge to file his or her decision with the clerk of court in which the action is pending and to notify the parties in writing of his or her decision. Such notice shall not be required if notice has been waived pursuant to subsection (a) of Code Section 9-11-5.

(c) If any judge fails or refuses to obey the provisions of subsection (a) or (b) of this Code section, or if any judge repeatedly or persistently fails or refuses to decide the various injunctions, demurrers, and motions coming before him or her in the manner provided by such subsections, such conduct shall be grounds for impeachment and the penalty therefor shall be his or her removal from office."

SECTION 2.

Said title is further amended by revising Code Section 15-6-21, relating to time for deciding motions, filing and notification, and noncompliance as ground for impeachment, as follows:

"15-6-21.

~~(a) In a county with less than 100,000 inhabitants, it shall be the duty of the judge of the superior, state, or city court, unless providentially hindered or unless counsel for the plaintiff and the defendant agree in writing to extend the time, to decide promptly, within 30 days after the same have been argued before him or submitted to him without argument, all motions for new trials, injunctions, demurrers, and all other motions of any nature.~~

~~(b) In all counties with more than 100,000 inhabitants, it shall be the duty of the judge of the superior, state, or city court, unless providentially hindered or unless counsel for the plaintiff and the defendant agree in writing to extend the time, to decide promptly, within 90 days after the same have been argued before him or submitted to him without argument, all motions for new trials, injunctions, demurrers, and all other motions of any nature.~~

~~(c) When he or she has so decided, it shall be the duty of the judge to file his or her decision with the clerk of the court in which the cases are pending and to notify the attorney or attorneys of the losing party of his or her decision. Said notice shall not be required if such notice has been waived pursuant to subsection (a) of Code Section 9-11-5.~~

~~(d) If any judge fails or refuses, unless providentially hindered or unless counsel for the plaintiff and the defendant agree in writing to extend the time, to obey the provisions of subsections (a) through (c) of this Code section, or if any judge repeatedly or persistently fails or refuses to decide the various motions, demurrers, and injunctions coming before him in the manner provided by such subsections, such conduct shall be grounds for impeachment and the penalty therefor shall be his removal from office Reserved."~~

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.